



Entered on Docket  
November 09, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Ninth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Partially Upon Investment In  
The HFAH Clear Lake, LLC Loan**

Hearing Date: September 30, 2011  
Hearing Time: 9:30 a.m.

The Court having considered the "Ninth Omnibus Objection Of USACM Trust To Proofs Of Claim Based Partially Upon Investment in The HFAH Clear Lake, LLC Loan, [DE 8899] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing The HFAH Clear Lake, LLC Loan; and good  
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8899] is sustained; and,  
5 2. The claims listed on **Exhibit A** attached are 20% allowed and 80%  
6 disallowed to the extent those claims are based upon an investment in The HFAH Clear  
7 Lake, LLC Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**  
11

12 By /s/ John Hinderaker (AZ #018024)

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17 *Attorneys for USACM Liquidating Trust*  
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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the HFAH Clear Lake, LLC Loan	Amount Disallowed (80%)	Amount Allowed (20%)
10725-02283	Reno Aeronautical Corp Defined Benefit Plan	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	456,722.24	76,100.00	60,880.00	15,220.00
10725-02000	Robert L Ogren Trust Dtd 6/30/92	Robert L Ogren Ttee 3768 Rick Stratton Dr Las Vegas, NV 89120	1,827,483.14	60,000.00	48,000.00	12,000.00
10725-02090	Robert William Ulm IRA	Pensco Trust Company Custodian 414 Morning Glory Rd St Marys, GA 31558	1,415,506.00	60,000.00	48,000.00	12,000.00
10725-01419	S&P Davis Limited Partnership	737 Bannerman Lane Fort Mill, SC 29715	419,981.00	12,500.00	10,000.00	2,500.00
10725-01644	Sexton, David	21929 N 79Th PL Scottsdale, AZ 85255	58,043.27	Unknown	Unknown	Unknown
10725-02175	Simmons Hwjtwros, Alan R & Judith B	Po Box 13296 South Lake Tahoe, CA 96151-3296	1,186,288.22	50,000.00	40,000.00	10,000.00
10725-01894	Stevenson, Bert	500 N Estrella Pkwy B2-405 Goodyear, AZ 85338	1,101,205.82	110,416.66	88,333.33	22,083.33
10725-02291	Terry R Helms Living Trust Dtd 11/11/94	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	11,155,754.80	100,000.00	80,000.00	20,000.00
10725-02284	Tracy, Richard R & Ursula	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	304,400.00	50,733.34	40,586.67	10,146.67
10725-00001	Trujillo, Carlos A	2818 Horseshoe Dr Las Vegas, NV 89120-3338	240,000.00	120,000.00	96,000.00	24,000.00

EXHIBIT A